

08/08/08

2876

Docket No.: 0044XXXAXB

PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1 hereby certify that this correspondence is being deposited with the United States Postal Service as first class main an envelope addressed to: Commissioner for Palents: 10. Box 1450: Alexandria, VA 22313-1450, on

August 7, 2008

(date)

Lori G. Witkin

In re: Application of

: Miklos STERN, et al.

Cont. of U.S. Serial No.

09/777,076

Group Art Unit: 2876

Filed

August 5, 2008

Examiner: T. Le

For

SURFACE EMITTING LASER DIODES

SCANNER DEVICES AND METHODS USING

New York, New York

August 6, 2008

08/11/2008 HDEMESS1 00000028 09777076

01 FC:1814

130.00 DP

TERMINAL DISCLAIMER

Commissioner of Patents and Trademarks Washington, D.C. 20231

Sir:

Symbol Technologies, Inc., assignee of all interests in the above-captioned application, by virtue of an assignment recorded in the U.S. Patent and Trademark Office on August 30, 2001 at Reel 021231, Frame 0176, from the inventors to Symbol Technologies, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term

defined in 35 U.S.C. §154 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second **U.S. Patent Application Serial No. 09/777,076**, filed **February 5, 2001**, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 and §173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The Terminal Disclaimer fee under 37 C.F.R. §1.20(d) is enclosed herewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SYMBØL/TECHNOLOGIES, INC.

By:

Alan Israel

Attorney for Applicants

Reg. No. 27,564

Dated: August 6, 2008